

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

OP.No. 3186 of 2001(D)

PETITIONER:

**THOMAS AR\BRAGAM,
ELAVUMMOOTIL HOUSE,
MAZHUKKEER, KALLISSERRY P.O., CHENGANNUR TALUK
ALAPPUZHA DISTRICT.**

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

- 1. ASSISTANT LABOUR OFFICER GRADE II,
THIRUVALLA MANJADI PO.,
PATHANAMTHITTA DISTRICT.**
- 2. DEPUTY LABOUR COMMISSIONER & SECRETARY,
STATE ADVISORY CONTRACT LABOUR BOARD,
THIRUVANANTHAPURAM.**
- 3. MANIKKUTTAN, C/O.K.U.VISWANATHAN,
SHANTHI HOUSE, KAVUMBHAGOM P.O.,
THIRUVALLA PATHANAMTHITTA DISTRICT.**

BY GOVERNMENT PLEADER SMT.SMITHA BABU

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

ORDER ON CMP. NO.5276/2001 IN OP. NO.3186/2001

DISMISSED

21.12.2006

SD/- KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER IN M.W.A. 3/99 DT.31.7.2000 OF 2ND RESPONDENT.

/TRUE COPY.

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KURIAN JOSEPH, J.

O.P.No.3186 of 2001

Dated 21st December, 2006.

J U D G M E N T

The grievance is on Ext.P1 order passed by the second respondent under the provisions of the Minimum Wages Act, 1948. According to the petitioner, the third respondent is not an employee of the petitioner and hence he is not liable to pay any wages. It is seen that Ext.P1 is an ex parte order. In the above circumstances, the writ petition is disposed of making it clear that in case the petitioner requests for an opportunity before the second respondent to adduce evidence within two months from today, such an opportunity shall be granted to him, with notice to the third respondent. Further recovery shall be deferred for a period of three months, in order to enable the petitioner to work out the relief as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No.3186 of 2001 (D)

J U D G M E N T

Dated 21st December, 2006.